



## PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 60-9	Subject: <b>SUPERVISION FEES</b>
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Signature: /s/ Ron Alsbury	Revision Date: 09/04/01; 06/17/02; 03/06/04; 03/01/05; 02/15/06; 04/22/08
	Effective Date: 06/01/00

**I. BUREAU DIRECTIVE:** Probation and Parole Bureau employees will follow established procedures for the collection of supervision fees from offenders supervised by the Bureau.

**II. AUTHORITY:**

46-23-1031, M.C.A.                      *Supervisory fees - account established*

45-9-202 (2) (d) (ii), M.C.A.      *Alternative Sentencing Authority*

**III. DEFINITIONS:**

**Supervision Fee** means a fee that is paid by offenders on probation, parole, intensive supervision, conditional release or any other offender supervised by the Department of Correction in the community for the basic costs of their supervision as a means of holding them accountable.

**IV. PROCEDURES:**

A. Offenders residing in the State of Montana are required to pay a supervision fee in the amount of \$120.00 to \$360.00 per year. Offenders may be assessed a fee of no less than \$50.00 per month if they are convicted of a felony drug offense and are placed on ISP in lieu of imprisonment under 45-9-202 M.C.A.

- **Standard Offenders**: The supervision fee assessed to standard offenders (those not on ISP) is \$21.00/month. This includes offenders on conditional release status.
- **ISP Offenders**: Offenders placed on ISP are charged \$25/month supervision fees unless they are a person convicted of a dangerous drug felony offense and placed on ISP in lieu of prison. The court may place an offender convicted of a dangerous drug felony offense on ISP in lieu of prison if approved by DOC as a condition of a suspended or deferred sentence and impose a \$50/month supervision fee.
- **ISP Sanction Offenders** – Offenders placed on ISP as part of a hearing sanction will be assessed \$21/month for supervision fees.

Offenders will submit the supervision fee payment to the Department of Corrections Collection Unit, P.O. Box 201350, Helena, MT 59620. All payments must be either a money order or cashier's check. The Offender will submit his/her payments to the collection unit, listing his/her name, District Court Judgment Number (ex. DC-01-45), and County of Sentence. The offender can submit one money order for payment on restitution and supervision fees, however the offender must specify how much money is to go to supervision fees and restitution. If the offender fails to do so, the entire amount will be applied to restitution. Offenders who are placed out of state will pay supervision fees to the state in which they are supervised.

- B. If the sentencing court or the Board of Pardons and Parole determine that the imposition of fees will result in a significant financial hardship to the offender, the fee may be reduced or waived. The District Court Judge (for probationers) or BOPP (for parolees) will consider and approve or deny fee reduction or fee waivers for offenders. The P&P Officer will forward a copy of *P&P 60-9 (B) Supervision Fee Waiver Request* signed by the judge or BOPP to the Collection Unit if an offender is approved for a reduction in supervision fees or is granted a supervision fee waiver.
- C. If the Regional Administrator determines the imposition of fees will result in a significant financial hardship to offenders on interstate or offenders placed on conditional release status, the fee may be reduced or waived. The P&P Officer will forward a copy of *P&P 60-9 (B) Supervision Fee Waiver Request* signed by the Regional Administrator to the Collection Unit if an offender is approved for a reduction in supervision fees or is granted a supervision fee waiver.
- D. Any failure to pay supervision fees, without securing a hardship waiver, is a violation of state law and may constitute grounds for an intervention hearing and/or revocation.
- E. Funds collected from supervision fees will be used for safety equipment and training or any reasonable needs for the Probation and Parole Bureau, per MCA 46-23-1031 and P&P 20-3, Spending of Supervision Fees.

**PROCEDURE:**

1. Courts will be requested to order supervision fees when offenders are placed under supervision of the Probation and Parole Bureau.
2. Upon sign up, the offender is informed verbally and provided a copy of *P&P 60-9 (A) Supervision Fees – Offender Rights & Responsibilities* outlining responsibilities and waiver procedures. Increases in supervision fees are retroactive except for offenders with court orders that specify an amount.
3. Changes in the amount to be paid monthly or annually will be made using form *P&P 60-9 (C) Supervision Fees Modifications*. The offender will sign the form indicating the changed amount. This form will be placed in the offenders file and a copy provided to the offender and to the Collection Unit.
4. Payments are directly submitted to the Department of Corrections Collection Unit, P.O. Box 201350, Helena, MT 59620. All payments must be either a money order or cashier's check. The Offender will submit his/her payments to the collection unit, listing his/her name, District Court Judgment Number (ex. DC-01-45), and County of Sentence. The offender can submit one money order for payment on restitution and supervision fees, however the offender must specify how much money is to go to supervision fees and restitution. If the offender fails to do so, the entire amount will be applied to restitution
5. At the time of re-assessment, or semi-annually, information regarding payment status is requested from the Collection Unit to determine the offender's compliance. This information will

**RESPONSIBILITY:**

- P&P Officer
- P&P Officer
- P&P Officer  
Regional Administrator  
or PO II  
Offender
- Offender
- P&P Officer

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be recorded in *P&P 60-1 (D) Adult Chronological History*. Compliance status and balance due, if any, will be reviewed with the offender regularly. The Court, Regional Administrator or designee will be notified of overpayments, and refunds will be requested for the offender when appropriate.

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| 6. Instances of non-compliance shall be referred to the Regional Administrator for resolution.   | P&P Officer                          |
| 7. For those offenders determined to be unable to pay, <i>P&amp;P 60-9 (B) Supervision Fee Waiver Request</i> will be filed with the Court for probation offenders, BOPP for parole offenders, or Regional Administrator for interstate and conditional release offenders. The P&P Officer will forward a copy of <i>P&amp;P 60-9 (B) Supervision Fee Waiver Request</i> signed by the Regional Administrator, District Judge, or BOPP to the Collection Unit if an offender is approved for a reduction in supervision fees or is granted a supervision fee waiver. | P&P Officer<br>Offender              |
| 8. Records are maintained to ensure funds are appropriately collected and distributed.   | Collection Unit/<br>P&P Bureau Chief |

**V. CLOSING:** Questions concerning this procedure shall be directed to the Regional Administrator or Probation and Parole Bureau Chief.

**Forms**

- P&P 60-9 (A) Supervision Fees – Offender Rights and Responsibilities (handout)  
P&P 60-9 (B) Supervision Fee Waiver Request  
P&P 60-9 (C) Supervision Fee Modifications